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EXAMINER

AWAD, AMR A

ART UNIT	PAPER NUMBER
2675	7

DATE MAILED: 01/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/726,848

**Applicant(s)**

WONG, YOON KEAN

**Examiner**

Amr Awad

**Art Unit**

2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9, 11-13, 15-19, 21 and 23-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sudo et al. (US patent NO. 5,999,827: hereinafter referred to as Sudo).

As to claim 1, Sudo (figures 6-7) teaches a personal digital assistant jog dial application access and activation system (10) that includes, a display (12) for displaying an image including listing of applications (the listing of applications are shown in figures 18-19), a central processor (controller 47) for processing the information (col. 7, lines 17-30), random access memory (RAM 49) for storing information and instruction for the central processor (col. 7, lines 25-30), a read only memory (ROM 48) for storing static information and instructions (col. 7, lines 25-30), and a Jog dial (36J) for accessing and activating an application (col. 9, lines 24-50).

Sudo does not expressly teach data bus and that the display, the central processor, the RAM, the ROM and the Jog dial coupled to the data bus.

However, Sudo (figure 7) shows that the central processor (47), the display (35A & 35), the Jog dial (36J), the RAM (49) and the ROM (47) are all connected to each

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other through the central processor (47), which means that there is some type of means that connects all these elements together (i.e., bus).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to realize from the teaching of Sudo that a data bus is used to connect all the claimed elements together because such elements has to be connected through some type of connection (i.e., bus) which makes such arrangement easy and less complicated in the architecture of the device.

As to claim 2, Sudo teaches that the jog dial access the application when depressed longer than a specific duration of time (col. 10, lines 45-53).

As to claim 3, having the device of Sudo (as shown in figures 11 and 12) displaying a multiple options on the display, fairly reads on the limitation "displaying a list of application on the display" claimed in claim 3 (col. 8, line 57 through col. 9, line 3).

As to claim 4, as can be seen in figures 18; the selection of the items is carried out by highlighting indicator on the display when the jog dial is rotated.

As to claim 5, Sudo teaches depressing (clicking) the jog dial to activate the system (see figure 20 and col. 10, line 66 through col.11, line 5).

As to claim 6, as can be seen in figure 32, Sudo teaches that the highlight indicator moves up the application list when the jog dial is rotated up and moves down the application list when the jog dial is rotated down (col. 18, lines 25-34).

As to claims 7, as can be seen in figure 2, Sudo shows a clear switch (cancel indicator) that cancel the access.

As to claim 8, Sudo (figure 6) teaches an off indicator (36A) for turning the device off.

As to claim 9, as can be seen in figure 20, Sudo shows that the application is activated when the jog dial is depressed a specified number of times (in the case presented in figure 20, the specified number of times is one) (col. 11, lines 51-65).

As to independent claim 11, Sudo (figures 6-7) teaches a personal digital assistant jog dial application access and activation method that includes, presenting an application list including a plurality of application identifiers, a display (12) for displaying an image including listing of applications (the listing of applications are shown in figures 18-19). Sudo teaches that the jog dial access the application when depressed longer than a specific duration of time (col. 10, lines 45-53). As can be seen in figures 18; the selection of the items is carried out by highlighting indicator on the display when the jog dial is rotated. As can be seen in figure 20, Sudo shows that the application is activated when the jog dial is depressed (col. 11, lines 51-65).

Sudo does not expressly teach that the activation of an application is carried out when the jog dial is depressed again.

However, by clearly examining figure 20 of Sudo's device, we can see that by clicking (depressing the jog key, the applications are scrolled in the display, and then by depressing it again, the application is activated (step D of figure 20, which shows the activation of the application which related to displaying the detailed information about item 5).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to realize from the teaching of figure 20 of Sudo's device that the depressing of the jog key can be used to scroll through the applications, and to select the application (i.e., to scroll through applications, and the following depressed of the jog key is to activate the application) which reads on the claimed limitation because such navigation between applications provides a user friendly method that is fast and uncomplicated.

As to claim 12, the limitation of having the presentation of application (steps B and C in figure 20) and activation of the application (steps D and E of figure 20) fairly read on the claimed limitations of claim 12.

As to claim 13, Sudo teaches that the jog dial access the application when depressed longer than a specific duration of time (col. 10, lines 45-53).

As to claim 15, as can be seen in figures 18; the selection of the items is carried out by highlighting indicator on the display when the jog dial is rotated.

As to claim 16, as can be seen in figure 32, Sudo teaches that the highlight indicator moves up the application list when the jog dial is rotated up and moves down the application list when the jog dial is rotated down (col. 18, lines 25-34).

As to claim 17, figures 20 and 27 of Sudo's device fairly read on the limitation of "a user depresses said jog dial again when a desired application is highlighted and the application is activated."

As to claim 18, the limitation of claim 18 having the cancel indicator (delete) taught by Sudo in figure 26.

As to claim 19, Sudo (figure 6) teaches an off indicator (36A) for turning the device off.

As to claims 21, and 23-27, the claims individually or in combination are substantially similar to claims 1-9 and would be analyzed as previously discussed with respect to claims 1-9 above.

As to claims 28-32, the claims are substantially similar to the limitations of claims 11-13 and 15-19, and would be analyzed as previously discussed with respect to claims 11-13, and 15-19 above.

3. Claims 10, 14, 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sudo in view of Yamagishi et al. (Patent NO. 6,178,338; hereinafter referred to as Yamagishi).

As can be seen above, Sudo teaches all the limitations of claims 10, 14, and 22 except the citation that the application list includes application icons.

However, Yamagishi (figures 1-2) teaches a communication terminal apparatus that includes a display (14), jog dial 20, RAM (24), ROM (22) and CPU (controller 12), wherein the application list (figures 3A-3B) includes application icons (col. 4, lines 37-44).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the teaching of Yamagishi having application icon to replace the textual display of Sudo's so as to make the device user friendly by

having icons representation which are usually easy to be recognized and activated by the user.

As to claim 20, the option list in figures 3A-3B of Yamagishi's device fairly reads on the limitation "performing operating system" in claim 20 to be able to activate more functions and therefore, increase the versatilities of the device.

### ***Response to Arguments***

4. Applicant's arguments filed October 20, 2003 have been fully considered but they are not persuasive.

Applicant (middle of page 10) argued that Sudo does not teach a jog dial for accessing and activating one of said application, said jog dial coupled to said data bus. Applicant also argued that Sudo is directed towards describing a portable telephone apparatus and not a personal digital assistant. Applicant (top of page 11) argued that Sudo teaches away from the present invention by indicating a single function of calling is automatically initiated. Examiner respectfully disagrees.

The claim is directed to a personal digital assistant jog dial application access and not to a personal assistant device, which means that the jog dial is the personal assistant. Furthermore, the portable telephone can be used as a personal digital assistant. It is clear from the Office Action above that Sudo teaches a jog dial (4) for accessing and activating one of the applications (col. 7, lines 17-30 and col. 10, lines 45-53). These applications are items selected by the jog dial. As to the argument that Sudo teaches a single function and not a selection. Examiner respectfully submits that



Sudo shows that the single function is selected, which means that the selection is performed by selecting a function from among plurality of functions as shown in figures 18-19.

With respect to the argument regarding claim 11, the argument is substantially similar, except that claim 11 recites "plurality of application identifiers" which is similar to the recitation "a listing of applications" in claim 1. Similarly with respect to independent claims 21 and 28, which are similarly rejected and its argument is substantially similar to the arguments of claims 1 and 11.

### ***Conclusion***


5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amr Awad whose telephone number is (703)308-8485. The examiner can normally be reached on Monday-Friday, between 9:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Saras can be reached on (703)305-9720. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4750.

  
12-31-2003  
A.A.